



DEPARTMENT OF HEALTH & HUMAN SERVICES

Public Health Service

Food and Drug Administration  
Washington DC 20204

October 20, 1999

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Fred H. Degnan  
King & Spalding  
1730 Pennsylvania Avenue, NW  
Washington, DC 2006-4706

Re: Docket Nos. 96P-0023CP/ 2 and 96P-0179/CP 2

Dear Mr. Degnan:

This refers to your citizen petitions, both dated April 22, 1999, and filed April 23, 1999, submitted on behalf of Brach and Brock Confections, Hershey Foods Corporation, and Nestle USA, Inc. You requested that we refrain from and suspend further action on rulemaking under docket numbers 96P-0023 and 96P-0179, Reference Amounts for Candies, and that we evaluate the criteria and procedures that are needed to revise existing reference amounts. The requested action is based on the petitioners' belief that the proposed rule amending the candy reference amounts is not only flawed, but that it would also have fundamental implications on future efforts to revise established reference amount categories.

In accordance with 21 CFR 10.30(e)(2), this letter is to advise you that we have been unable to reach a decision on your petitions within the first 180 days of their receipt because of other Agency priorities and the limited availability of resources.

Sincerely yours,

Gerard McCowin  
Acting Director  
Office of Food Labeling  
Center for Food Safety  
and Applied Nutrition

96P-0023

LET 2

HEALTH AND HUMAN SERVICES  
FOOD AND DRUG ADMINISTRATION  
**CROSS REFERENCE SHEET**

Docket Number/Item Code: 96P-0023/LET 2

See Docket Number/Item Code: 96P-0179/LET 2